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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,007	07/29/2003	Piers John Daniell	NVDA/P000757	8537
26291	7590	12/27/2005	EXAMINER	
PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			EDWARDS JR, TIMOTHY	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/630,007	<b>Applicant(s)</b> DANIELL ET AL.	
	<b>Examiner</b> Timothy Edwards, Jr.	<b>Art Unit</b> 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22-33 is/are rejected.
- 7) ☒ Claim(s) 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,5-8,11,12,14,24,25,27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu '420.

Considering claim 1, Lu discloses a remote control device comprising, a) a housing sized to be held in the hand of a user during operation of the remote control device (see fig 1); b) a gyroscopic sensor integrated with the housing and configured to produce a signal in response to an angular motion about a single reference axis (see col 3, lines 24-30 and col 6, lines 36-39); c) input parameter to be controlled being responsive to the signal produced by the gyroscopic sensor with the gyroscopic sensor is activated (see col 3, lines 40-46 and col 5, lines 39-47).

Considering claim 2, Lu discloses the limitation of this claim (see col 5, lines 49-59 and col 6, lines 12-15).

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Considering claims 5-7, Lu discloses the limitations of these claims (see col 3, lines 16-30).

Considering claim 8, Lu discloses the limitation of this claim (see col 5, lines 39-48).

Considering claim 11, Lu discloses the limitation of this claim (see col 4, lines 12-19).

Considering claim 12, Lu discloses the limitation of this claim (see col 4, lines 12-16).

Considering claim 14, the limitations of this claim is interpreted and rejected as stated in claims 1 and 8.

Considering claim 24, Lu discloses the limitation of this claim (see col 5, lines 3-10).

Considering claim 25, the limitations of this claim is interpreted and rejected as stated in claims 1 and 8.

Considering claim 27, the limitation of this claim is interpreted and rejected as stated in claim 11.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,4,13,15-17,22,23,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '420 as applied to claim 1 above, and further in view of Pahlavan '065.

Considering claim 3, Lu does not specifically recite an activation input integrated with the housing and configured such that the user presses and holds down the activation input to activate the gyroscopic sensor. Lu does disclose in col 5, lines 49-59 and col 6, lines 12-15 his device can be used to function as a mouse and it can be used as an on-screen cursor controller. This suggests the Lu device would have buttons and the buttons are pressed and held because in a "click and drag" operation of a mouse a button is usually held. Pahlavan teaches a remote control device having buttons and the activation of a button activates the motion detection circuitry. Pahlavan teaches the remote device can be used as a mouse and to perform the "click and drag" function of a mouse the buttons are held and holding a number 3 button activates the gyro sensor. (see abstract and paragraph [0026-0027]). Therefore, it would have been obvious to one of ordinary skill in the art to modify the control device of Lu to activate the gyro sensor

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with a button as taught by Pahlavan because both references are concern with use of a gyro sensor in a remote control device to detect movement of the device.

Considering claim 4, the limitation of this claim is interpreted and rejected as stated in claim 3.

Considering claim 13, Lu does not specifically recite the control signal of his remote control device is a radio signal. Lu teaches the transmission of an IR output signal. Pahlavan teaches the use of a gyroscopic sensor remote control device, which outputs a radio control signal see paragraphs [0026 and 0033]. One of ordinary skill in the art would readily recognize the use of a radio signal is an alterative type of signal used in controlling a remote device. Therefore, it would have been obvious to one of ordinary skill in the art to transmit a radio signal as the control signal of the Lu device as taught by Pahlavan because a radio control signal is a known alterative method of transmitting a remote control command signal.

Considering claims 15-17, Lu does not specifically recite a step of deactivating the gyroscopic sensor. Lu discloses the use of a gyroscopic sensor in his remote control device. Examiner referees applicant to statements presented in claim 3. One of ordinary skill in the art would readily recognize if a button is pressed to activate the gyroscopic sensor as taught by Pahlavan and the button is released this would deactivate the gyroscopic sensor. Therefore, it would have been obvious to one of ordinary skill in the

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art to use the gyroscopic sensor activation method of Pahlavan in the remote control device of Lu because Lu discloses the desire to use a gyroscopic sensor in his remote control device.

Considering claim 22, the limitation of this claim is interpreted and rejected as stated in claim 3.

Considering claim 23, the limitation of this claim is interpreted and rejected as stated in claim 4.

Considering claim 26, the limitation of this claim is interpreted and rejected as stated in claim 15.

5. Claims 9,10,18,19,28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu '420.

Considering claim 9, Lu does not specifically recite the input parameter to be controlled is a scan function. Lu discloses in col 6, lines 25-36 the use of his device to control a plurality of remote control applications and other parameters can be controlled. One of ordinary skill in the art would readily recognize the scan function of a DVD would be within the scope of the Lu system because Lu discloses he use of his device to control a plurality of remote control applications and other parameters can be controlled.

Considering claim 10, Lu does not specifically recite the input parameter to be controlled is a time search function. However, one of ordinary skill in the art would readily recognize a time search function is a function associated with a DVD. Obviousness is as stated in claim 9.

Considering claim 18, Lu does not specifically recite selecting an input parameter by pressing a button corresponding to the parameter to be controlled. One of ordinary skill in the art readily recognizes remote control devices have device and function buttons, selecting an input parameter by pressing a button corresponding to the parameter to be controlled is well known in the art. Lu shows a remote control device with numerical button and other buttons (104). These other buttons must have a purpose such as being device or function buttons. Therefore, it would have been obvious to one of ordinary skill in the art selecting an input parameter by pressing a button corresponding to the parameter to be controlled is within the scope of the Lu device because the plurality of buttons on the Lu device and device and function buttons are well known items on a remote control device.

Considering claim 19, Lu does not specifically recite selecting an input parameter comprises pressing a button and the parameter is displayed on a graphical user interface. One of ordinary skill in the art readily recognizes parameters to be controlled are displayed on a graphic user interface (i.e. a TV screen). Therefore, it would have



been obvious to one of ordinary skill in the art the displaying of selected input parameters is within the scope of the Lu system because channel number and a progressive bar graph for volume is shown on the screen of a TV and is well known in the art.

Considering claim 28, the limitations of this claim is interpreted and rejected as stated in claims 1 and 19.

Considering claim 29, the limitation of this claim is interpreted and rejected as stated in claim 19.

Considering claim 30, the limitation of this claim is interpreted and rejected as stated in claim 8.

Considering claims 31-33, the limitations of these claims are interpreted and rejected as stated in claim 9.

***Allowable Subject Matter***

6. Claims 20,21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: with respect to claim 20 the prior art of record fails to teach or suggest, in the environment of a remote control device having a gyroscopic sensor and selecting an input parameter comprises enunciating a voice command to identify the input parameter on an audio menu. With respect to claim 21 the prior art of record fails to teach or suggest, selecting an input parameter comprising pressing at least one input device until the electronic device enunciates the input parameter.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shearer et al '351, Stefanik '801, Gordon '945, Brown '556 and Tillgren et al '706.

9. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached at (571) 272-3068.

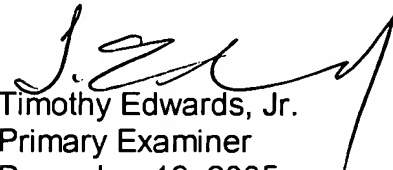
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

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Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Timothy Edwards, Jr.  
Primary Examiner  
December 19, 2005